

FILED

JAN - 9 2007

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *[Signature]* DEPUTY CLERK

MAVERICK RECORDING COMPANY, a§
California joint venture; UMG RECORDINGS,§
INC., a Delaware corporation; ARISTA§
RECORDS LLC, a Delaware limited liability§
company; WARNER BROS. RECORDS INC., a§
Delaware corporation; and SONY BMG MUSIC§
ENTERTAINMENT, a Delaware general§
partnership,

CIVIL ACTION NO.

Plaintiffs,

vs.

STEVE HARPER,

Defendant.

S A07 CA0026 XR

PLAINTIFFS' COMPLAINT FOR COPYRIGHT INFRINGEMENT

Plaintiffs, by their attorneys, complain of the Defendant, and would show:

JURISDICTION AND VENUE

1. This is a civil action seeking damages and injunctive relief for copyright infringement under the copyright laws of the United States (17 U.S.C. §101 et seq.).
2. This Court has jurisdiction under 17 U.S.C. § 101 *et seq.*; 28 U.S.C. §1331 (federal question); and 28 U.S.C. §1338(a) (copyright).
3. This Court has personal jurisdiction over the Defendant, and venue in this District is proper under 28 U.S.C. § 1391(b) and 28 U.S.C. § 1400(a), in that the Defendant resides in this District, and the acts of infringement complained of herein occurred in this District.

PARTIES

4. Plaintiff Maverick Recording Company is a joint venture between SR/MDM Venture Inc. and Maverick Records LLC, organized and existing under the laws of the State of California, with its principal place of business in the State of California.

5. Plaintiff UMG Recordings, Inc. is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of California.

6. Plaintiff Arista Records LLC is a limited liability company duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of New York.

7. Plaintiff Warner Bros. Records Inc. is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of California.

8. Plaintiff SONY BMG MUSIC ENTERTAINMENT is a Delaware general partnership, with its principal place of business in the State of New York.

9. Plaintiffs are informed and believe that Defendant is an individual residing in this District.

COUNT I

INFRINGEMENT OF COPYRIGHTS

10. Plaintiffs incorporate herein by this reference each and every allegation contained in each paragraph above.

11. Plaintiffs are, and at all relevant times have been, the copyright owners or licensees of exclusive rights under United States copyright with respect to certain copyrighted sound recordings (the "Copyrighted Recordings"). The Copyrighted Recordings include but are not limited to each of the copyrighted sound recordings identified in Exhibit A attached hereto, each of which is the subject of a valid Certificate of Copyright Registration issued by the Register of Copyrights. In addition to

the sound recordings listed on Exhibit A, Copyrighted Recordings also include certain of the sound recordings listed on Exhibit B which are owned by or exclusively licensed to one or more of the Plaintiffs or Plaintiffs' affiliate record labels, and which are subject to valid Certificates of Copyright Registration issued by the Register of Copyrights.

12. Among the exclusive rights granted to each Plaintiff under the Copyright Act are the exclusive rights to reproduce the Copyrighted Recordings and to distribute the Copyrighted Recordings to the public.

13. Plaintiffs are informed and believe that Defendant, without the permission or consent of Plaintiffs, has used, and continues to use, an online media distribution system to download the Copyrighted Recordings, to distribute the Copyrighted Recordings to the public, and/or to make the Copyrighted Recordings available for distribution to others. In doing so, Defendant has violated Plaintiffs' exclusive rights of reproduction and distribution. Defendant's actions constitute infringement of Plaintiffs' copyrights and exclusive rights under copyright.

14. Plaintiffs have placed proper notices of copyright pursuant to 17 U.S.C. § 401 on each respective album cover of each of the sound recordings identified in Exhibit A. These notices of copyright appeared on published copies of each of the sound recordings identified in Exhibit A. These published copies were widely available, and each of the published copies of the sound recordings identified in Exhibit A was accessible by Defendant.

15. Plaintiffs are informed and believe that the foregoing acts of infringement have been willful and intentional, in disregard of and with indifference to the rights of Plaintiffs.

16. As a result of Defendant's infringement of Plaintiffs' copyrights and exclusive rights under copyright, Plaintiffs are entitled to statutory damages pursuant to 17 U.S.C. § 504(c) for

Defendant's infringement of each of the Copyrighted Recordings. Plaintiffs further are entitled to their attorneys' fees and costs pursuant to 17 U.S.C. § 505.

17. The conduct of Defendant is causing and, unless enjoined and restrained by this Court, will continue to cause Plaintiffs great and irreparable injury that cannot fully be compensated or measured in money. Plaintiffs have no adequate remedy at law. Pursuant to 17 U.S.C. §§ 502 and 503, Plaintiffs are entitled to injunctive relief prohibiting Defendant from further infringing Plaintiffs' copyrights, and ordering Defendant to destroy all copies of sound recordings made in violation of Plaintiffs' exclusive rights.

For these reasons, Plaintiffs pray for judgment against Defendant as follows:

1. For an injunction providing:

"Defendant shall be and hereby is enjoined from directly or indirectly infringing Plaintiffs' rights under federal or state law in the Copyrighted Recordings and any sound recording, whether now in existence or later created, that is owned or controlled by Plaintiffs (or any parent, subsidiary, or affiliate record label of Plaintiffs) ("Plaintiffs' Recordings"), including without limitation by using the Internet or any online media distribution system to reproduce (*i.e.*, download) any of Plaintiffs' Recordings, to distribute (*i.e.*, upload) any of Plaintiffs' Recordings, or to make any of Plaintiffs' Recordings available for distribution to the public, except pursuant to a lawful license or with the express authority of Plaintiffs. Defendant also shall destroy all copies of Plaintiffs' Recordings that Defendant has downloaded onto any computer hard drive or server without Plaintiffs' authorization and shall destroy all copies of those downloaded recordings transferred onto any physical medium or device in Defendant's possession, custody, or control."

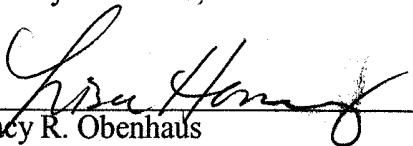
2. For statutory damages for each infringement of each Copyrighted Recording pursuant to 17 U.S.C. Section 504.

3. For Plaintiffs' costs in this action.

4. For Plaintiffs' reasonable attorneys' fees incurred herein.

5. For such other and further relief, either at law or in equity, general or special, to which they may be entitled.

Respectfully submitted,

By: 

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EXHIBIT A

EXHIBIT A**STEVE HARPER**

<u>Copyright Owner</u>	<u>Artist</u>	<u>Recording Title</u>	<u>Album Title</u>	<u>SR#</u>	
Maverick Company	Recording	Michelle Branch	You Get Me	The Spirit Room	303-732
UMG Recordings, Inc.	Ja Rule	6 Feet Underground	Rule 3:36		270-080
Arista Records LLC	Avril Lavigne	I'm With You	Let Go		312-786
UMG Recordings, Inc.	Counting Crows	Hangin' Around	This Desert Life		271-316
Warner Bros. Records Inc.	Faith Hill	Just to Hear You Say That You Love Me	Faith		253-752
SONY BMG MUSIC ENTERTAINMENT	Indigo Girls	Closer to Fine	Indigo Girls		101-524

EXHIBIT B

User	Filename	Artist	Size	Media Type
whiterney@fileshare	Misery (Feat Steven Tyler).mp3	Pink	4,256KB	Audio
whiterney@fileshare	Counting Crows - Hangin Around.mp3	Counting Crows	3,895KB	Audio
whiterney@fileshare	Counting Crows (Adam Duntz)- Ordinary Superman.mp3	Counting Crows	3,237KB	Audio
whiterney@fileshare	Music Soulchild - Don't Change.mp3	Music Soul	4,760KB	Audio
whiterney@fileshare	Rent - 1-14 - Out Tonight (1).mp3	Rent	2,682KB	Audio
whiterney@fileshare	Les Misérables - Master Of The House.mp3	Les Mis	4,025KB	Audio
whiterney@fileshare	Music - Luv MP3	Music Soul Child	4,762KB	Audio
whiterney@fileshare	diary of dreams - colorblind.mp3	Diary Of Dreams	5,100KB	Audio
whiterney@fileshare	(B) Movie Songs - My Best Friends Wedding - Together Fo...	My best Friends wedding	2,346KB	Audio
whiterney@fileshare	(How to Lose a Guy in Ten Days) - Carly Simon - Your So Ya...	How to Lose a Guy in Ten...	4,036KB	Audio
whiterney@fileshare	(How to Lose a Guy in Ten Days) - Luce - Good Day.mp3	How to Lose a Guy in Ten...	2,963KB	Audio
whiterney@fileshare	(Pat Green) Take Me Down To The River.mp3	Pat Green	2,708KB	Audio
whiterney@fileshare	01 I Drove All Night.wma	Unknown	3,787KB	Audio
whiterney@fileshare	02 - Keith Urban - Somebody Like You (Album Version)(1)...	Keith Urban	4,985KB	Audio
2 Users	05 - TLC - Forever And For Always.mp3	Shania Twain	4,480KB	Audio
whiterney@fileshare	08 - TLC - Damaged.mp3	TLC	5,463KB	Audio
whiterney@fileshare	09 what A Beautiful Day - Chris Cagle.mp3	Chris Cagle	3,554KB	Audio
whiterney@fileshare	09-forever and a night-girls aloud girls aloud.mp3	girls aloud	5,982KB	Audio
whiterney@fileshare	14 The Rock Project Ft. Tina Arena - Never (Radio Edit).mp3	The Rock Project Ft. Tina ...	5,241KB	Audio
whiterney@fileshare	2pac + Phil Collins - In The Air Of Tonight (Maniac Bone Rm... 702-let_your_hair_down-rns	Tupac and Phil Collins	3,724KB	Audio
whiterney@fileshare	702-let_your_hair_down-rns	Unknown	3,909KB	Audio
whiterney@fileshare	Allison Krauss - Just When I Needed You Most.mp3	Allison Krauss _Dolly Part...	3,930KB	Audio
whiterney@fileshare	Allison Krause _Union Station - When You Say Nothing At ...	Allison Krause _Union Sta...	4,010KB	Audio
whiterney@fileshare	Allison Krause - Let Me Touch You For Awhile.mp3	Allison Krauss + Union Stat...	3,154KB	Audio
whiterney@fileshare	Allison Krause _Union Station - Lose Again.mp3	Allison Krause _Union Sta...	2,742KB	Audio
whiterney@fileshare	Allison Krauss - Baby, Now That I've Found You.mp3	Allison Krauss	3,582KB	Audio
whiterney@fileshare	Allison Krauss - I'll Fly Away.mp3	Allison Krauss	3,722KB	Audio
whiterney@fileshare	allison krauss-I can let go now.mp3	Allison Krauss	2,306KB	Audio
whiterney@fileshare	Bela Fleck and the Flecktones - Big Country.mp3	Bela Fleck and the Fleckt...	5,176KB	Audio
whiterney@fileshare	Bella Ciao - La Cicala - Rammstein - Amour Fou.mp3	Bella Ciao - La Cicala - Ramm...	3,391KB	Audio

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Counting Crows - Mystery
Counting Crows - Counting Crows
Music Soulchild - Misery
Rent - Misery
Les Misérables - Misery
Music Soul Child - Misery
Diary Of Dreams - Misery
My best Friends wedding - Misery
How to Lose a Guy in Ten... - Misery
How to Lose a Guy in Ten... - Misery
Pat Green - Misery
Unknown - Misery
Keith Urban - Misery
Shania Twain - Misery
TLC - Misery
Chris Cagle - Misery
girls aloud - Misery
The Rock Project Ft. Tina Arena - Misery
Tupac and Phil Collins - Misery
Unknown - Misery
Allison Krauss _Dolly Part... - Misery
Allison Krause _Union Sta... - Misery
Allison Krause + Union Stat... - Misery
Allison Krause _Union Sta... - Misery
Allison Krauss - Baby, Now That I've Found You - Misery
Allison Krauss - I'll Fly Away - Misery
Allison Krauss - I can let go now - Misery
Bela Fleck and the Flecktones - Big Country - Misery
Bella Ciao - La Cicala - Rammstein - Amour Fou - Misery
Bella Ciao - La Cicala - Rammstein - Amour Fou - Misery